

REMARKS

Interview Request

An Applicant Initiated Interview Request Form (PTOL-413A) is submitted herewith. If the proposed date and time for a telephonic interview are not convenient for the Examiner, the Examiner is asked to contact the undersigned attorney of record to reschedule the interview for a mutually acceptable date and time.

Claim Rejections - 35 USC § 102

Claims 2-3 and 5-8 are rejected under 35 USC 102(b) as being anticipated by US 2002/0185583 (Metelski). Reconsideration and withdrawal of the rejection is respectfully requested based on the remarks provided below, which give specific reasons why elements 34 and 33b of Metelski do not correspond to “a mechanical brake (7) having adjustable braking force for braking the pivot arm (5) in the rotary bearing (4), wherein the mechanical brake (7) includes a resiliently preloaded pin (8) and a brake pad (9) connected to the pin (8)” as set forth in claim 2.

The claim limitation requires a mechanical brake “for braking the pivot arm (5) in the rotary bearing (4).” The “rotary bearing” in Metelski is defined as element 32, which mounts a pivot arm 11 on the stand column as can be understood from Figs. 1-3. Therefore, under the Patent Office rejection, it is assumed that screw 34 of Metelski functions to brake the pivot arm 11 in the rotary bearing 32. However, as discussed below, tightening screw 34 of Metelski does not brake pivot arm 11 in rotary bearing 32.

As can be seen in Fig. 3, rotary bearing 32 is mounted in a bearing tube 33b, which in turn is mounted on a tiltable hemispherical bearing 67 and is surrounded by an elastic intermediate layer 66. As screws 34a and/or 34b (Fig. 4) are tightened against the bearing tube 33b, they act to tilt sleeve 33b carrying rotary bearing 32 by a slight amount to set the axis of rotation of rotary bearing 32 in a plumb orientation (vertical) in the presence of a load supported by the stand, so that unwanted drift is eliminated. See, for example, paragraphs [0018] and [0039] - [0041]. In fact, the screws are referred to as “displacement screws” in paragraph [0041]. The screws 34a, 34b do not brake rotation of the pivot arm in bearing 32. Neither screw

engages the pivot arm mounted by the rotary bearing 32; rather, the screws engage bearing tube 33b. Two screws 34a and 34b are provided at 90 degrees from one another so that tilting can be accomplished in orthogonal planes; if screws 34a or 34b functioned to brake rotation of the pivot arm, as the Patent Office asserts, then why would a second screw be provided for the same purpose? If the Examiner continues to believe that screw 34 of Metelski functions to brake the pivot arm in the rotary bearing, he is asked to explain in detail how this braking actually occurs.

The examiner also takes the position that Metelski shows a mechanical brake (screw 34) that includes "a resiliently preloaded pin and brake pad (33b)." However, element 33b of Metelski is referred to as a "bearing tube" or a "bearing sleeve" in the specification. Importantly, it does not engage the pivot arm mounted by the rotary bearing 32 to brake the pivot arm, as a brake pad would. Bearing sleeve 33b merely holds the rotary bearing 32 which receives the pivot arm.

Based upon the foregoing, Applicant respectfully asks the Examiner to reconsider the teaching of Metelski, and to remove the rejection of claims 2-3 and 5-8.

Allowable Subject Matter

The indication of allowable subject matter in claim 4 is acknowledged with thanks. In view of the present response, it is respectfully urged that all pending claims are allowable, and therefore claim 4 has not been rewritten in independent form.

Conclusion

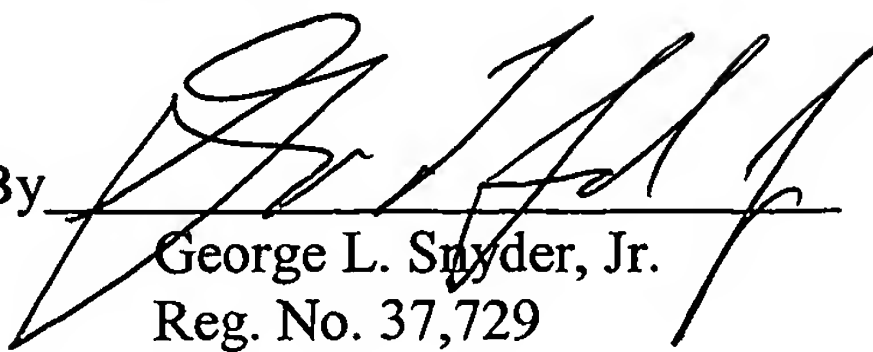
The present application is respectfully considered to be in a condition for allowance, and a Notice of Allowance is kindly sought. The undersigned attorney looks forward to a cooperative telephone interview with the examiner, if this remains necessary. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Appl. No. 10/603,509
Reply to Office Action of April 7, 2006

Respectfully submitted,

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By



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